contract awards of DoD funds to any institution of higher education that has a policy of denying, or that effectively denies, military recruiting personnel entry to campuses, access to students on campuses, or access to directory information on students. DoD Directive 1322.13, ''Military Recruiting at Institutions of Higher Education,'' codified at 32 CFR part 216, implements section 558. A copy of section 558 and DoD Directive 1322.13 is enclosed.

Under DoD Directive 1322.13, this letter provides you an opportunity to clarify your institution's policy on military recruiting on the campus of XYZ College. In this regard, I request the official written policy of the institution about visits of civilian employers (public or private) and military recruiting personnel to the campus for recruiting college students, and access to directory information on students.

Based on this information, a determination shall be made by the Assistant Secretary of Defense for Force Management Policy as to your institution's eligibility to receive DoD funds by grant or contract. Should it be determined that XYZ College is not qualified to receive such funds, all current programs requiring payment to XYZ College shall be stopped, and it shall be ineligible to receive future payments of DoD funds through grants, contracts, and other applicable agreements.

I regret that this action may have to be taken. Successful recruiting requires that the Department's recruiters have reasonable access to students on the campuses of colleges and universities, and at the same time to have effective relationships with the officials and student bodies of these institutions. I hope it will be possible for military recruiters to schedule recruiting visits at XYZ College in the near future. I am available to answer any questions.

Sincerely,

Enclosures

Dated: May 22, 1995.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–13176 Filed 5–26–95; 8:45 am]

BILLING CODE 5000–04–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 9

[FRL–5211–8]

OMB Approval Numbers Under the Paperwork Reduction Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical amendment.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this technical amendment amends the table in 40 CFR part 9 that displays the Office of Management and Budget (OMB) control numbers issued under the PRA. This technical amendment amends the table of OMB control numbers to include the OMB control number for the information collection requirements in the rule entitled ''Mandatory Patent Licenses Under Section 308 of the Clean Air Act.''

EFFECTIVE DATE: This final rule is effective June 29, 1995.

FOR FURTHER INFORMATION CONTACT:

Thomas Eagles, Office of Policy Analysis and Review (Mail Code 6103), Office of Air and Radiation, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Telephone: (202) 260–5585.

SUPPLEMENTARY INFORMATION: EPA is today amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various EPA regulations. Today's amendment updates the table to display accurately the information requirements promulgated under the rule entitled ''Mandatory Patent Licenses Under Section 308 of the Clean Air Act'' which appeared in the **Federal Register** on December 30, 1994 (59 FR 67636–9). The affected regulation is codified at 40 CFR part 95.

EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations. The table lists the CFR section numbers with reporting and recordkeeping requirements, and the current OMB control numbers. This display of the OMB control numbers and its subsequent codification in the Code of Federal Regulations satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR 1320.

A final rule entitled ''Mandatory Patent Licenses Under Section 308 of the Clean Air Act'' was published in the **Federal Register** on December 30, 1994. Notice of the ICR for this rule was previously published for comment on August 29, 1994 (59 FR 44392). OMB approved the ICR on October 3, 1994. The OMB approval of the ICR and the associated OMB control number were published in the **Federal Register** on December 30, 1994 (59 FR 67637). As a result, EPA finds that there is ''good cause'' under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend the table of OMB control numbers without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

List of Subjects in 40 CFR Part 9

Reporting and recordkeeping requirements.

Dated: May 19, 1995.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, chapter 1, title 40 of the Code of Federal Regulations, is amended as follows:

PART 9—[AMENDED]

In part 9:

The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6,300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

Section 9.1 is amended by adding a new heading and a new entry to the table under the new heading to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * * * *	
Mandatory Patent Licenses:	
* * * * *	
95.2	2060–0307
* * * * *	

[FR Doc. 95–13151 Filed 5–26–95; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 51

[AD–FRL–5211–6]

RIN 2060–AE33

Preparation, Adoption, and Submittal of State Implementation Plans; Test Method 205, Appendix M

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The purpose of this rule is to add a test method which would be used to verify the performance and accuracy of gas dilution systems during a field test. The test method is entitled,

''Verification of Gas Dilution Systems for Field Instrument Calibrations,'' and will be added to 40 CFR part 51, appendix M, as Test Method 205. This method will allow the facility greater flexibility while assuring the Administrator of the quality of the calibration of the field analyzers.

EFFECTIVE DATE: This method is effective May 30, 1995.

ADDRESSES: *Background Information Document.* The background information document (BID) for the promulgated test method may be obtained from: Air Docket Section (MC–6102), Attention: Docket Number A–93–36, U.S. Environmental Protection Agency, Room M–1500, First Floor, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. The BID contains a summary of all the public comments made on the proposed test method and the Administrator's response to the comments.

Docket. Docket No. A–93–36, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Air and Radiation Docket and Information Center (formerly known as the Air Docket), Room M–1500, First Floor, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Rima N. Dishakjian, Source Characterization Group A (MD–19), Emissions, Modeling and Analysis Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–0443.

SUPPLEMENTARY INFORMATION:

I. The Rulemaking

A. Summary of Proposed Method

A verification procedure for gas dilution systems has been proposed. Gas dilution systems allow the user to dilute a high level certified gaseous standard to the concentration levels needed for multi-point calibration. The instrumental test methods in 40 CFR part 60, appendix A (e.g., Methods 3A, 6C, 7E, 10, 15, 16, 20, 25A, and 25B) require on-site, multi-point calibration using gases of known concentrations. An extensive field test can require the tester to transport dozens of high pressure gas cylinders to a test site. If a gas dilution system were available, the number of gas cylinders to be transported to the test site would be greatly reduced. This procedure provides a mechanism for the tester to avoid the cost and risk associated with transport of multiple gas cylinders, while also providing assurances to the on-site Administrator that the calibration gases produced by the gas dilution system will be precise and accurate.

B. Comments on the Proposed Method

Comments on the proposed method were received from three commenters; two commenters are vendors of instruments, while the other commenter has conducted studies on gas dilution instruments in the past. A detailed discussion of these comments and responses can be found in the promulgation BID, which is referred to in the ADDRESSES section of this preamble. Many of the comments dealt with the wording used in the proposed method: two commenters thought the specific mention of gas dilution systems utilizing mass flow controllers implied an Agency endorsement of such systems. Although the original wording actually set more stringent testing requirements for mass flow controller systems and thus was not an endorsement of such systems, the wording of the method has been modified to make it more generic. Another commenter stated that not enough evaluation has been conducted on gas dilution systems' performance capabilities. While the Agency agrees that a large body of data is not available for all the various gas dilution systems currently available, the Agency believes the performance-based format of the method and the stringent requirements of the method will insure that any gas dilution system being used will be precise and accurate for the purposes of the field test. Since the performance test in the method must be conducted during each field test, the gas dilution system's performance will be documented for each set of compliance test data.

II. Administrative Requirements

A. Docket

The docket is an organized and complete file of all the information submitted to or otherwise considered by EPA in the development of this proposed rulemaking. The principal purposes of the docket are to: (1) allow interested parties to identify and locate documents so that they can effectively participate in the rulemaking process, and (2) serve as the record in case of judicial review except for interagency review materials [Section 307(d)(7)(A)].

B. Administrative Designation and Regulatory Analysis

Under Executive Order 12866 (58 FR 51735, October 4, 1993)), the EPA is required to judge whether a regulation is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and the requirements of this Executive Order to prepare a regulatory impact analysis (RIA). The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligation of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that this rule is not ''significant'' because none of the listed criteria apply to this action. Consequently, this action was not submitted to OMB for review under Executive Order 12866.

C. Regulatory Flexibility Act Compliance

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this attached rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because no additional costs will be incurred.

This rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 51

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 22, 1995.

Carol M. Browner,

Administrator.

The EPA proposes to amend title 40, chapter I, part 51 of the Code of Federal Regulations as follows:

PART 51—[AMENDED]

1. The authority citation for part 51 continues to read as follows:

Authority: Section 110 of the Clean Air Act as amended. 42 U.S.C. 7410.

2. Appendix M, Table of Contents is amended by adding an entry to read as follows:

Method 205—Verification of Gas Dilution Systems for Field Instrument Calibrations.

3. By adding Method 205 to appendix M to read as follows:

Method 205—Verification of Gas Dilution Systems for Field Instrument Calibrations

1. Introduction

1.1 Applicability. A gas dilution system can provide known values of calibration gases through controlled dilution of high-level calibration gases with an appropriate dilution gas. The instrumental test methods in 40 CFR part 60—e.g., Methods 3A, 6C, 7E, 10, 15, 16, 20, 25A and 25B—require on-site, multi-point calibration using gases of known concentrations. A gas dilution system that produces known low-level calibration gases from high-level calibration gases, with a degree of confidence similar to that for Protocol [1] gases, may be used for compliance tests in lieu of multiple calibration gases when the gas dilution system is demonstrated to meet the requirements of this method. The Administrator may also use a gas dilution system in order to produce a wide range of Cylinder Gas Audit concentrations when conducting performance specifications according to appendix F, 40 CFR part 60. As long as the acceptance criteria of this method are met, this method is applicable to gas dilution systems using any type of dilution technology, not solely the ones mentioned in this method.

1.2 Principle. The gas dilution system shall be evaluated on one analyzer once during each field test. A precalibrated analyzer is chosen, at the discretion of the source owner or operator, to demonstrate that the gas dilution system produces predictable gas concentrations spanning a range of concentrations. After meeting the requirements of this method, the remaining analyzers may be calibrated with the dilution system in accordance to the requirements of the applicable method for the duration of the field test. In Methods 15 and 16, 40 CFR part 60, appendix A, reactive compounds may be lost in the gas dilution system. Also, in Methods 25A and 25B, 40 CFR part 60, appendix A, calibration with target compounds other than propane is allowed. In these cases, a laboratory evaluation is required once per year in order to assure the Administrator that the system will dilute these reactive gases without significant loss.

Note: The laboratory evaluation is required only if the source owner or operator plans to utilize the dilution system to prepare gases mentioned above as being reactive.

2. Specifications

2.1 Gas Dilution System. The gas dilution system shall produce calibration gases whose measured values are within ±2 percent of the predicted values. The predicted values are calculated based on the certified concentration of the supply gas (Protocol gases, when available, are recommended for their accuracy) and the gas flow rates (or dilution ratios) through the gas dilution system.

2.1.1 The gas dilution system shall be recalibrated once per calendar year using NIST-traceable primary flow standards with an uncertainty ≤0.25 percent. A label shall be affixed at all times to the gas dilution system listing the date of the most recent calibration, the due date for the next calibration, and the person or manufacturer who carried out the calibration. Follow the manufacturer's instructions for the operation and use of the gas dilution system. A copy of the manufacturer's instructions for the operation of the instrument, as well as the most recent recalibration documentation shall be made available for the Administrator's inspection upon request.

2.1.2 Some manufacturers of mass flow controllers recommend that flow rates below 10 percent of flow controller capacity be avoided; check for this recommendation and follow the manufacturer's instructions. One study has indicated that silicone oil from a positive displacement pump produces an interference in SO_2 analyzers utilizing ultraviolet fluorescence; follow laboratory procedures similar to those outlined in Section 3.1 in order to demonstrate the significance of any resulting effect on instrument performance.

2.2 High-Level Supply Gas. An EPA Protocol calibration gas is recommended, due to its accuracy, as the high-level supply gas.

2.3 Mid-Level Supply Gas. An EPA Protocol gas shall be used as an independent check of the dilution system. The concentration of the mid-level supply gas shall be within 10 percent of one of the dilution levels tested in Section 3.2.

3. Performance Tests

3.1 Laboratory Evaluation (Optional). If the gas dilution system is to be used to formulate calibration gases with reactive compounds (Test Methods 15, 16, and 25A/25B (only if using a calibration gas other than propane during the field test) in 40 CFR part 60, appendix A), a laboratory certification must be conducted once per calendar year for each reactive compound to be diluted. In the laboratory, carry out the procedures in Section 3.2 on the analyzer required in each respective test method to be laboratory certified (15, 16, or 25A and 25B for compounds other than propane). For each compound in which the gas dilution system meets the requirements in Section 3.2, the source must provide the laboratory certification data for the field test and in the test report.

3.2 Field Evaluation (Required). The gas dilution system shall be evaluated at the test site with an analyzer or monitor chosen by the source owner or operator. It is recommended that the source owner or operator choose a precalibrated instrument with a high level of precision and accuracy for the purposes of this test. This method is not meant to replace the calibration requirements of test methods. In addition to the requirements in this method, all the calibration requirements of the applicable test method must also be met.

3.2.1 Prepare the gas dilution system according to the manufacturer's instructions. Using the high-level supply gas, prepare, at a minimum, two dilutions within the range of each dilution device utilized in the dilution system (unless, as in critical orifice systems, each dilution device is used to make only one dilution; in that case, prepare one dilution for each dilution device). Dilution device in this method refers to each mass flow controller, critical orifice, capillary tube, positive displacement pump, or any other device which is used to achieve gas dilution.

3.2.2 Calculate the predicted concentration for each of the dilutions based on the flow rates through the gas dilution system (or the dilution ratios) and the certified concentration of the high-level supply gas.

3.2.3 Introduce each of the dilutions from Section 3.2.1 into the analyzer or monitor one at a time and determine the instrument response for each of the dilutions.

3.2.4 Repeat the procedure in Section 3.2.3 two times, i.e., until three injections are made at each dilution level. Calculate the average instrument response for each triplicate injection at each dilution level. No single injection shall differ by more than ±2 percent from the average instrument response for that dilution.

3.2.5 For each level of dilution, calculate the difference between the average concentration output recorded by the analyzer and the predicted concentration calculated in Section 3.2.2. The average concentration output from the analyzer shall be within ±2 percent of the predicted value.

3.2.6 Introduce the mid-level supply gas directly into the analyzer, bypassing the gas dilution system. Repeat the procedure twice more, for a total of three mid-level supply gas injections. Calculate the average analyzer output concentration for the mid-level supply gas. The difference between the certified concentration of the mid-level supply gas and the average instrument response shall be within ±2 percent.

3.3 If the gas dilution system meets the criteria listed in Section 3.2, the gas dilution system may be used throughout that field test. If the gas dilution system fails any of the criteria listed in Section 3.2, and the tester corrects the problem with the gas dilution system, the procedure in Section 3.2 must be repeated in its entirety and all the criteria in Section 3.2 must be met in order for the gas dilution system to be utilized in the test.

4. References

1. ''EPA Traceability Protocol for Assay and Certification of Gaseous Calibration Standards,'' EPA–600/R93/224, Revised September 1993.

[FR Doc. 95–13152 Filed 5–26–95; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 52

[CO9–3–5603; FRL–5201–9]

Approval and Promulgation of Air Quality Implementation Plans; Colorado; Regulation 7

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving revisions to the Colorado Ozone State Implementation Plan (SIP) submitted by the Governor on September 27, 1989, and August 30, 1990. The revisions consisted of amendments to Regulation No. 7, ''Regulation To Control Emissions of Volatile Organic Compounds.'' In its review of the September 27, 1989 State submittal, EPA identified several areas where the regulation still did not meet EPA requirements. On August 30, 1990, the State submitted additional revisions to Regulation No. 7 to address these deficiencies. This **Federal Register** action applies to both of these submittals. The amendments were made to conform Regulation No. 7 to federal requirements, and to improve the clarity and enforceability of the regulation. EPA's approval will serve to make the revisions federally enforceable and was requested by the State of Colorado.

EFFECTIVE DATE: This action will be effective on June 29, 1995.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday at the following office:

United States Environmental Protection Agency, Region VIII, Air Programs Branch, 999 18th Street, Suite 500, Denver, Colorado 80202–2466.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air Programs Branch (8ART–AP), United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466, (303) 293–1814.

SUPPLEMENTARY INFORMATION: Section 110(a)(2)(H)(i) of the Clean Air Act (CAA), as amended in 1990, provides the State the opportunity to amend its SIP from time to time as may be necessary. The State is utilizing this authority of the CAA to update and revise existing regulations which were promulgated pursuant to section 172 of the pre-amendment Act and are a part of the current SIP. In addition, these submittals are in fulfillment of the RACT requirement of amended section 172.

I. Background

On March 3, 1978, EPA designated the Denver-Boulder metropolitan area as nonattainment for the National Ambient Air Quality Standards (NAAQS) for ozone (43 FR 8976). This designation was reaffirmed by EPA on November 6, 1991 (56 FR 56694) pursuant to section 107(d)(1) of the CAA, as amended in 1990. Furthermore, since the Denver-Boulder area had not shown a violation of the ozone standard during the three-year period from January 1, 1987 to December 31, 1989, the Denver-Boulder area was classified as a ''transitional'' ozone nonattainment area under section 185A of the amended Act. In order to meet the Reasonably Available Control Technology (RACT) requirements of the CAA, transitional areas must correct any RACT deficiencies regarding enforceability.

The current Colorado Ozone SIP was approved by EPA in the **Federal Register** on December 12, 1983 (48 FR 55284). The SIP contains Regulation No. 7 (Reg. 7), which applies RACT to stationary sources of Volatile Organic Compounds (VOC). Reg. 7 was adopted to meet the requirements of section 172(b) (2) and (3) of the 1977 CAA (concerning the application of RACT to stationary sources [1].) However, the approved Ozone SIP did not rely on the emissions reduction credit that Reg. 7 would produce in order to demonstrate attainment; rather, the SIP relied only on mobile source controls in order to demonstrate attainment.

During 1987 and 1988, EPA Region VIII conducted a review of Reg. 7 for consistency with the Control Techniques Guidelines documents (CTGs) and regulatory guidance, for enforceability and for clarity. The CTGs, which are guidance documents issued by EPA, set forth measures that are presumptively RACT for specific categories of sources that emit VOCs. A substantial number of deficiencies were identified in Reg. 7. In 1987, EPA published a proposed policy document that included, among other things, an interpretation of the RACT requirements as they applied to VOC nonattainment areas (52 FR 45044, November 24, 1987, Post-87 Policy). On May 25, 1988, EPA published a guidance document entitled ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of the November 24, 1987 **Federal Register** Notice'' (the ''Blue Book''). A review of Reg. 7 against these documents uncovered additional deficiencies in the regulation.

On May 26, 1988, EPA notified the Governor of Colorado that the Carbon Monoxide (CO) SIPs for Colorado Springs and Fort Collins were inadequate to achieve the CO NAAQS. In that letter, EPA also notified the Governor that the Ozone SIP had significant deficiencies in design and implementation, and requested that these deficiencies be remedied. EPA did not make a formal call for a revised Ozone SIP in the May 1988 letter,[2] even though the Denver-Boulder area was,

[1] The requirement to apply RACT to existing stationary sources of VOC emissions was carried forth under the amended Act in section 172(c)(1).

[2] Under the pre-amended Act, EPA had the authority under section 110(a)(2)(H) to issue a ''SIP Call'' requiring a State to correct deficiencies in an existing SIP. Section 110(a)(2)(H) was not modified by the 1990 Amendments. In addition, the amended Act contains new section 110(k)(5) which also provides authority for a SIP Call.